jurisdiction to try all suits of a civil nature excepting suits the cognizance of which is barred by any enactment. The Bill before us does not take away the general right thus conferred. Again, section 6 would, I fear, operate as a needless invitation to parties to prefer suits against Government which is certainly not desirable.

Mr. Kesava Pillai.—I beg to second the amendment. I think the existence of such a provision as is contained in section 6 serves only the purpose of offering an inducement to persons to file suits against the Government. Inasmuch as the common law right of suit recognized in section 7 of the Civil Procedure Code is not interfered with, I submit that no useful purpose will be served by the retention of the provision. This Bill does not affect the public at large but only a limited portion thereof viz. defaulting Government servants. Sections 2 to 5 of the Bill contain ample provisions for safe-guarding their interests. These provisions which prescribe the procedure to be adopted as regards the recovery of Government moneys and securities from defaulting public servants seem to me to be liable to be frustrated if at every stage of the proceedings before the executive the Civil Courts can interfere with those proceedings. The wording of section 6 of the Bill is very wide. Any order passed or proceedings taken under the Bill can be made the subject of a civil action. Such a provision is therefore likely to unnecessarily hamper the action of the executive.

Mr. Govinda Pillai.—Sir, I beg to oppose the amendment. I do not think that section 6 will in any way interfere with the practical working of the Bill. I have also serious doubts as to whether in the absence of such a provision as is contained in section 6 parties aggrieved by anything done under the Regulation can sue in the Civil Courts for a relief. I wish to draw the attention of the Council to the provisions of section 3 which empowers the Division Peishcar to take proceedings to realize moneys due by public accountants in the same manner as arrears of land revenue. Thus, as regards the steps to be taken for the realization of claims of Government the provisions of the Revenue Recovery Regulation are made applicable. Section 51 of the Revenue Recovery Regulation expressly gives the right of suit against Government for orders passed or proceedings taken under that Regulation. The amendment now proposed simply amounts to this *viz.*, that while conforming to and adopting the provisions of that Regulation for one purpose, we are not to adopt its express provisions for another equally if not more important purpose. I think that the absence of an express provision such as is contained in section 6 which is similar to the one contained in section 51 of the Revenue Recovery Regulation may raise a doubt as to whether it is not intended to take away the right conferred by the latter section.

Mr. Ramier.—I entirely agree with the observations made by my learned friend Mr. Govinda Pillai. I do not think that the interests of public accountants would be sufficiently protected without section 6. It seems to me that this section contains a harmless and at the same time a very useful provision. The objection raised to it on the ground of superfluity is, I think, not sound. As pointed out by the learned speaker who preceded me, it is a matter for serious doubt whether in the absence of section 6, the aggrieved party would have the right of suit. I, therefore, think the retention of the section necessary.

After some further discussion, the amendment was put to the vote and lost.

Mr. Kesava Pillai.—No notice of any other amendments has been received. I would therefore move that the Bill as now amended be published in the Gazette and the same read again on a future day of which notice shall be given.

Seconded by Mr. Ramier.

The motion was put and agreed to.

CHARITABLE ENDOWMENTS BILL.

Mr. Nagam Aiya.—In submitting the Bill, Sir, for the consideration of the Council, I mean the *principle* of the Bill, I have only to observe that it is a necessary supplement to the Hindu Religious Endowments Regulation III of 1079 M. E. As explained in the course of the discussions on that piece of legislation, the Charitable Endowments of Travancore also represent enormous wealth, which it would be un-

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wise to leave uncared for by the State. The Bill has been drawn up with the greatest regard to the feelings of the different religionists in Travancore. It is a small Bill containing only a few simple provisions. I will not however trouble the Council now with the details of those provisions, as they will receive your attention later on, the principle of the Bill alone being the subject-matter of consideration now.

The main object is only to appoint an Officer, by the name of his office, who is a *Corporation sole* corresponding to the Official Trustees of Charitable Funds in England and to the Treasurer of Charitable Endowments in British India. I have only to add that the Bill is based upon the British Indian Act VI of 1890, and is intended to be a *permissive* measure to enable Government to take action whenever required.

With these remarks, I move that the principle of the Bill be affirmed by the Council.

The Council having affirmed the principle of the Bill, Mr. Nagam Aiya proposed that the Bill be referred to a Select Committee consisting of Messrs. Govinda Pillai, Rajaram Row, Ramier, John and the Mover, to report within three months.

Seconded by Mr. Mahadeva Iyer.

Carried.

STAMP BILL.

Mr. Kesava Pillai.—The Report of the Select Committee on this Bill and the Bill as amended by them have been duly published in the Gazette and circulated. I beg therefore to move that the Bill be taken up for consideration.

Seconded by Mr. Mahadeva Iyer.

The motion was put and agreed to.

Section 2.

Mr. Mahadeva Iyer.—I beg to propose that the word "and" in line 2 be omitted and the words "and section 35 of Regulation I of 1063" inserted before "are" in line 4 of this section. Section 35 of the Indian Companies Act VI of 1882 which has been introduced *mutatis mutandis* into Travancore by Regulation I of 1063 fixes the amount of stamp duty which shall be charged on every share warrant. This matter is sought to be governed by Article 59 of the Schedule to the Bill. In the list of enactments repealed which is given in Schedule II of the British Indian Act, (II of 1899), section 35 of the Indian Companies Act has also been put in. Hence the amendment.

Seconded by Mr. Govinda Pillai.

Carried.

Section 3, clause (4).

Mr. Sesha Aiyar.—I beg to propose that the following be substituted for section 3 (4):—

"'Bill of lading' includes a 'through bill of lading,' but does not include a mate's receipt."

The amendment proposes to adopt the wording of the British Act. In Act I of 1879 which is the basis of our present Stamp Regulation, a 'bill of lading' was defined as 'any instrument signed by the owner of a vessel or his agent, acknowledging the receipt of the goods therein described, and undertaking to deliver the same at a place and to a person therein mentioned or indicated.' Section 3 (24) states that "'vessel' means 'anything made for the conveyance, by water, of human beings or property.'" Thus, a bill of lading as originally defined would not cover the case of a contract to transport goods by land, or partly by land and partly by water. To get over this difficulty the British Indian Legislature has purposely departed from the definition given in Act I of 1879 and has defined it as we now find it in section 3 (4) of Act II of 1899. A 'Bill of lading' is generally

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